

**§ 25.58 New and superseding formulas.**

(a) *New formulas.* Except as otherwise provided in paragraph (b) of this section, you must file a new formula (with a new formula number) for approval by TTB if you—

- (1) Create an entirely new fermented product that requires a formula;
- (2) Add new ingredients to an existing formulation;
- (3) Delete ingredients from an existing formulation;
- (4) Change the quantity of an ingredient used from the quantity or range of usage in an approved formula;
- (5) Change an approved processing, filtration, or other special method of manufacture that requires the filing of a formula; or
- (6) Change the contribution of alcohol from flavors or ingredients that contain alcohol.

(b) *Superseding formulas.* You may file a superseding formula, instead of a new formula, if you have made any change listed in paragraphs (a)(2) through (a)(6) of this section and that change is not of a type that would require a holder of a certificate of label approval to file a new application for label approval on TTB Form 5100.31.

(1) A superseding formula replaces an existing formula, and you should file one only if you do not intend to use the existing formula any more. A superseding formula must be filed with TTB for approval. When TTB approves a superseding formula, TTB will cancel your previous formula.

(2) You may use the same formula number for a superseding formula that you used for the formula the superseding formula replaces, but you must annotate the formula number to indicate it is a superseding formula number. (For example, “Formula 2, superseding.”)

(c) When you file a new or superseding formula with TTB, you must follow the procedures and other requirements of §§ 25.56 and 25.57.

**Subpart G—Qualification of a Brewery**

## ORIGINAL QUALIFICATION

**§ 25.61 General requirements for notice.**

(a) *Establishment.* Operations as a brewer may be conducted only by a person who has given notice as a brewer under this subpart. A person may not commence the business of a brewer until the appropriate TTB officer approves the brewery and the brewer's notice, including all documents made part of that notice.

(b) *Brewer's Notice, Form 5130.10.* Each person must, before commencing business as a brewer, give notice on Form 5130.10. Each person continuing business as a brewer as provided in § 25.71 must give notice on Form 5130.10. Each notice will be executed under penalties of perjury, and all written statements, affidavits, and other documents submitted in support of the notice will be made part of the notice.

(c) *Additional information.* The appropriate TTB officer may at any time require the brewer to furnish, as part of the notice, additional information which is necessary to protect and insure collection of the revenue.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1388, as amended (26 U.S.C. 5401))

[T.D. ATF-224, 51 FR 7673, Mar. 5, 1986, as amended by T.D. ATF-437, 66 FR 5479, Jan. 19, 2001]

**§ 25.62 Data for notice.**

(a) *Required information.* The brewer shall prepare the notice on Form 5130.10 and shall include the following information:

- (1) Serial number.
- (2) Purpose for which filed.
- (3) Name and principal business address of the brewer and the location of the brewery if different from the business address.
- (4) Statement of the type of business organization and of the persons interested in the business, supported by the information listed in § 25.66.
- (5) Description of brewery, as specified in § 25.68.
- (6) A list of trade names which the brewer intends to use in doing business or in packaging beer.